



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 27, 2009

VII. 6

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-09-09
2000 NEWPORT BOULEVARD**

DATE: APRIL 16, 2009

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow live entertainment in the form of singers with acoustic guitars and a karaoke machine for an existing restaurant (Skosh Monahan's Steakhouse and Irish Pub) within 200 feet of a residential zone.

APPLICANT

The applicant is Peter Buffa, authorized agent for Penjoyan Family Trust, the owner of the property.

PROJECT CONSULTANT

Peter Buffa
2824 Nevis Circle
Costa Mesa, CA 92626

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property is located on the northeast corner of Newport Boulevard and East 20th Street. The existing restaurant occupies the first floor of an existing two-story building. The property is also located within the Newport Boulevard Specific Plan area.

On February 27, 1984, Planning Commission approved Zone Exception Permit ZE-84-39 to allow shared parking with the abutting 2016 Newport Boulevard property (Grower's Ranch) in conjunction with the then proposed restaurant use. On November 23, 1985, Planning Commission also approved Planning Application PA-85-195 to allow the restaurant to expand.

ANALYSIS

The applicant is requesting live entertainment for the restaurant in the form of singers with acoustic guitars and a karaoke machine. Because the property is within 200 feet of residentially-zoned properties (a 20-unit apartment building abuts this property to the east), approval of a conditional use permit is required.

The hours of operation for the live entertainment are proposed to be from 4:00 p.m. to 11:00 p.m., seven days a week. The current hours of operation for the restaurant will remain unchanged.

Although the property abuts residential units, noise impacts as a result of the live entertainment are not anticipated because the live entertainment will be conducted entirely within the existing building. Furthermore, the area where the entertainment will occur is in the front of the restaurant, next to Newport Boulevard, and is separated from the residences by the restaurant's kitchen, restrooms, and on-site parking area. There have been no Code Enforcement complaints related to the restaurant's operation. With the recommended conditions of approval, staff does not have a concern with the proposed use.

GENERAL PLAN AND SPECIFIC PLAN CONFORMITY

The use is permitted in the C1 zone, with a conditional use permit and is, therefore, consistent with the General Plan and Newport Boulevard Specific Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed by the applicant or approve it with modifications; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The use is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

It is staff's opinion that, based on the past operation of the restaurant, the proposed live entertainment, with the recommended conditions of approval, will not create any adverse impacts on the site or surrounding properties.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
 2. Applicant's Description of the Use
 3. Location Maps and Photos
 4. Plans

cc:

Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Peter Buffa
2824 Nevis Circle
Costa Mesa, CA 92626

Skosh Monahan's Steakhouse and Irish Pub
2000 Newport Boulevard
Costa Mesa, CA 92627

Penjoyan Family Trust
17321 Rob Roy Circle
Huntington Beach, CA 92647-5672

RESOLUTION NO. PC-09-**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-09**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Peter Buffa, authorized agent for Penjoyan Family Trust, owner of real property located at 2000 Newport Boulevard, requesting approval of a conditional use permit to allow live entertainment in the form of singers with acoustic guitars and a karaoke machine for an existing restaurant (Skosh Monahan's) within 200 feet of a residential zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 27, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-09-09 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-09 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 27th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 27, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan and Specific Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, although the property is within 200 feet of a residential zone, noise impacts as a result of the live entertainment are not anticipated because the live entertainment will be conducted entirely within the building. Furthermore, the area where the entertainment will be conducted is in the front of the restaurant, next to Newport Boulevard, and is separated from residences by the restaurant's kitchen, restrooms, and on-site parking area. There has not been a history of Code Enforcement problems associated with the restaurant. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities in that the live entertainment involves a negligible expansion of an existing use.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- PIng.
1. The use shall be limited to the type of operation described in this staff report. i.e., live entertainment in the form of singers with acoustic guitars and a karaoke machine. Any change in the operational characteristics including, but not limited to, hours of operation or provision of entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 2. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
 3. Hours of operation for the live entertainment shall be limited to 7:00 p.m. to 11:00 p.m., seven days a week.
 4. Live entertainment may only be permitted subject to City issuance of a "public entertainment permit." Contact Code Enforcement (754-5623) for application information.
 5. Music shall not be audible beyond the area under the control of the licensee.
 6. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 7. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
 8. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-09**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Peter Buffa, authorized agent for Penjoyan Family Trust, owner of real property located at 2000 Newport Boulevard, requesting approval of a conditional use permit to allow live entertainment in the form of singers with acoustic guitars and a karaoke machine for an existing restaurant (Skosh Monahan's) within 200 feet of a residential zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 27, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-09-09 with respect to the property described above.

PASSED AND ADOPTED this 27th day of April, 2009.

James Righierner, Chair
Costa Mesa Planning Commission

FINDINGS (DENIAL)

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan or Specific Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-09-09. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



City of Costa Mesa
Development Services Department
P.O. Box 1200, Costa Mesa, CA 92628-1200
(714) 754-5625

*67500
Feb 2, 2009

Check One: ☐ New Yearly permit ☐ New One day permit ☐ Yearly Renewal permit - ☒ Public Entertainment Permit Fee: \$610.00

(Applications shall be filed and must be complete a minimum of forty five (45) calendar days prior to the date requested for issuance of the permit.)

1. Business name: SKOSH MONAHAN'S
2. Address: 2000 NEWPORT BOULEVARD, COSTA MESA, CA 92627
3. Contact person: PETER BUFFA Phone: (714) 865-5356
4. Legal entity submitting application: SANDLOT RESTAURANTS, Inc
5. Names of Partner(s), officer(s), director(s), or shareholder(s): GARY MONAHAN

- Address: 2000 NEWPORT BLVD, Phone: (949) 548-0099
COSTA MESA CA 92627
6. Describe the exact nature of the type entertainment you will be providing: SINGERS & ACOUSTIC GUITARS, KARAOKE MACHINE

7. Days entertainment scheduled: [M T W T H F S S U] Date: _____ Hours: 7:00 PM - 11:00 PM
(Circle appropriate day(s)) (Begin) (End)
- 7a. Other days scheduled: [M T W T H F S S U] Date: _____ Hours: _____
(Circle appropriate day(s)) (Begin) (End)
- 7b. Other days scheduled: [M T W T H F S S U] Date: _____ Hours: _____
(Circle appropriate day(s)) (Begin) (End)

8. Does your establishment serve alcohol? YES Maximum legal occupancy of the premises: _____
9. Does your establishment have a Conditional or Minor Conditional use permit regarding entertainment? NO If yes, please provide a copy of the Conditional or Minor Conditional use permit when submitting this form.

10. Required documents:

- A. Fully dimensioned floor plan showing interior or exterior of your establishment showing the area where proposed entertainment will be situated. It shall include seating arrangements, fire exits, dance floor area and bar location, if applicable.
- B. Noise control plan with special attention to prevention of noise nuisance to nearby premises and/or residences, if any.
- C. A security plan which should include:
 - 1) crowd control, pedestrian foot traffic and vehicle traffic if applicable.
 - 2) prevention of unlawful conduct by patrons and employees, including but not limited to assaults, disturbances, vandalism, littering, theft, sale or use of controlled substances, and the consumption of alcohol by persons under twenty-one (21) years of age, within the building(s) and outside in the areas affected by the public attending the event.

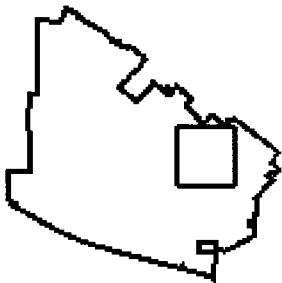
11. I hereby declare under penalty of perjury that the above information and submitted documents are true and correct.

Date: March 12, 2009 Signature: Peter Buffa
Applicant

NOTICE TO APPLICANT

Notice should be sent to you by mail, within thirty (30) working days of filing a complete application, that your application has been granted or denied. If you receive notice that your application has been denied or has been granted subject to conditions, you may appeal the denial or any of the conditions by filing a written appeal with the city clerk, within seven (7) days from the time the notice was deposited in the mail or personally delivered to you.

Overview Map



Map Display



Legend

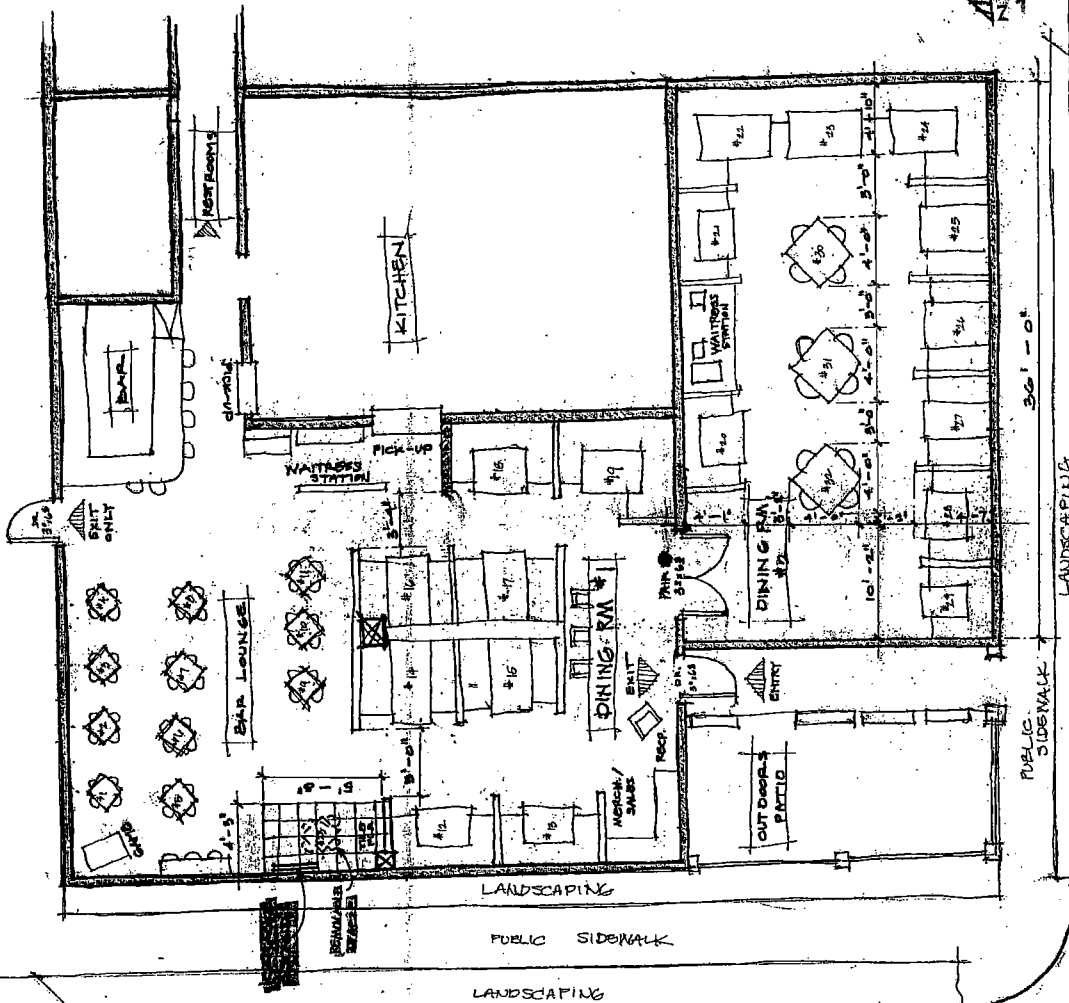
-  Freeway
-  Street Names
-  Parcel Lines
-  Level 2 Ortho Photo
-  Parcels
-  ROW Polygons

PUBLIC PARKING

PUBLIC PARKING

SEATING TABULATION

MAX. OCCUPANCY	
DINING 1	65
DINING 2	47
TOTAL	112



SITE ADDRESS:

SKOSH MONAHAN'S
STEAK-HOUSE IRISH PUB
2200 NEWPORT BLVD.
COSTA MESA, CA 92627
714.536.0011

22 STREET